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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,547	08/30/2001	Robert Boxall	CYB-011156	1913
24628	7590	02/27/2006	EXAMINER	
WELSH & KATZ, LTD 120 S RIVERSIDE PLAZA 22ND FLOOR CHICAGO, IL 60606			INGBERG, TODD D	
			ART UNIT	PAPER NUMBER
			2193	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/945,547

Applicant(s)

BOXALL ET AL.

Examiner

Todd Ingberg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

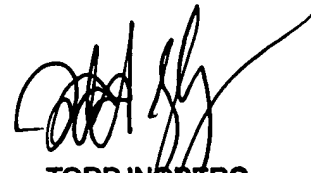
**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**TODD INGBERG**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

Claims 1 –3, 5 - 11 have been examined.

Claims 4 and 12 were canceled.

#### *Drawings*

1. The new formal drawings filed October 31, 2005 has been accepted.

#### *Specification*

2. The amendment to the Specification supporting new Figure 3 has been entered.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 –3, 5-11 are rejected under 35 U.S.C. 102(b) as anticipated by “The Complete PC Upgrade & Maintenance Guide”, Mark **Minasi**, published September 10, 1999.

#### **Claim 1**

**Minasi** anticipates a method of installing hardware (Page 1250 – Installing new hardware) and corresponding software (Page 1250, drives, first paragraph) comprising the steps of initiating the installation process for a hardware element having corresponding software (page 1250, Plug and Play, first paragraph, automatically); monitoring the operating system for commands which require user intervention (page 368, part of BIOS, – monitors for input and analyses input); analyzing the commands received from the operating system (page 1250, Plug and Play, first paragraph, automatically); and responding to the commands received from the operating system without requiring user intervention (page 1250, Plug and Play, first paragraph, automatically).

#### **Claim 2**

The method of claim 1 wherein the hardware comprises a wireless LAN card. (Page 1036, LAN card and Plug and Play).

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**Claim 3**

The method of claim 1 wherein the steps of analyzing and responding is repeated each time the operating system requires user intervention. (page 368, part of BIOS,— monitors for input and analyses input).

**Claim 5**

An installation script for use in association with a computer and an associated hardware element or software element, the script comprising: means for analyzing the request to determine a response thereto; means for responding to the request without requiring user intervention. As per claim 1 – Plug and Play – “automatically”.

**Claim 6**

The installation script of claim 5 wherein the analyzing means and the responding means are capable of responding to a plurality of different requests. Page 1250, first paragraph Driver Disk and page 1257, “Have Disk” , CD in Models displayed.

**Claim 7**

The installation script of claim 5 wherein the hardware comprises a wireless LAN card. As per claim 2.

**Claim 8**

The installation script of claim 5 wherein the operating system comprises one of the group consisting of; Windows 95, 98, Me, NT, 2000, XP, Mac, Linux and Palm OS.

Claim Interpretation

One of a group is interpreted to be an OR  
The Office selects Widows 98. Page 369.

**Claim 9**

The installation script of claim 5 wherein the installation script comprises software stored on a removable media. As per claim 6.

**Claim 10**

The installation script of claim 9 wherein the removable media comprises a CD. As per claim 6.

**Claim 11**

A method of installing hardware comprising: connecting the hardware to a computing device;  
- providing a storage media having an installation script; initiating the installation script  
- monitoring the operating system for commands which require user intervention;  
- analyzing the commands received from the operating system;  
    - responding to the commands received from the operating system without requiring user intervention; and  
    - repeating the steps of analyzing and responding until the hardware is installed.

As per the rejections for claims 1 and 5.

***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Examiner's Comment's***

The Examiner believes to have found an article on the World Wide Web on the Assignee's invention. In the event the following article is related, it show the Applicant's timely filing of the Application.

**Article Begin**

***“cyberPIXIE, Inc. Unveils New Software Tool***

**cyberPIXIE Install Wizard Dramatically Simplifies Deployment of IEEE 802.11b LAN Solutions**

January 15, 2002

cyberPIXIE, Inc. today announced the commercial availability of its Install Wizard, an advanced software tool designed to make it significantly faster and easier to deploy wireless local area networks (WLANs).

The Install Wizard software (patent-pending) has been optimized for maximum ease of use, simplifying the installation of WLAN PC cards on end-users' laptops and eliminating the common complexities of deploying and configuring wireless devices. The installation and configuration process is fully automated, requiring no user intervention.

**How it Works**

As soon as the Install Wizard CD is inserted, the software automatically opens and on-screen instructions direct the user to insert the WLAN card into an open PCMCIA slot. The software loads the proper drivers and automatically configures the necessary parameters. In less than two minutes, the default Internet Browser, or other specified application, is launched automatically, connecting the user to network resources.

**cyberPIXIE Install Wizard Key Features**

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- Seamless installation and configuration; Prior experience in computer configuration or hardware installation not required.
- Significantly faster than manual configuration by a skilled technician.
- Automatic configuration to pre-determined network name (SSID) and encryption key(s).
- Downloadable through a wired connection for local execution.
- Supports Cisco Aironet and Agere Orinoco (Lucent) cards under Windows 95, 98, 2000, ME and NT. Can be modified to include cards from other vendors.

#### cyberPIXIE Install Wizard Users

The cyberPIXIE Install Wizard is the most effective and easy to use wireless LAN card installation solution available. Install Wizard users range from end-users who have never configured a computer to enterprise IT organizations deploying large scale WLANs. Public carriers and other service providers interested in offering subscriber-based wireless services or WLAN card rentals can also benefit from the cyberPIXIE solution, while minimizing customer support calls.

cyberPIXIE's technology has been successfully implemented in multiple locations including Swissotel Chicago, offering guests and meeting attendees high-speed, secure Internet and networking services. "Guests have found the Install Wizard extremely easy to use, enabling them to stay productive and connected while traveling," said Nicole Jachimiak, Manager of Marketing Communications at Swissotel Chicago. "All they need is their laptop and they are on the Internet in minutes."

#### Price and Availability

The cyberPIXIE Install Wizard is available through a per software license agreement or as a component of the cyberPIXIE Wireless Networking Suite solution. Install Wizard Package contents include installation software CD-ROM and WLAN PC card. Please contact cyberPIXIE for pricing information.

**END OF ARTICLE**

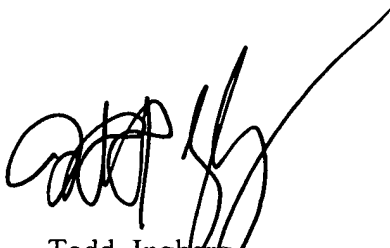
*Correspondence Information*

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Todd Ingberg  
Primary Examiner  
Art Unit 2193

TI